

REMARKS

Claims 1-6 are pending in this application. Claims 1 and 5 are independent claims.

By this amendment, claims 1 and 5 are amended.

Reconsideration in view of the above amendments and following remarks is respectfully solicited.

The Claims Define Patentable Subject Matter

The Office Action makes the following rejection(s):

Claims 1-6 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,847,756 to Iura Et al (hereafter Iura) in view of U.S. Patent No. 4,837,628 to Sasaki (hereafter Sasaki) and further in view of U.S. Patent No. 4,054,915 to Sugihara (hereafter Sugihara) and further in view of U.S. Patent No. 4,924,316 to Kobayashi et al. (hereafter Kobayashi).

This rejection is respectfully traversed.

Applicant respectfully submits that the claimed invention is distinguishable from the combination of four (4) cited art, specifically, Iura, Sasaki, Sugihara and Kobayashi, for at least the following reasons.

For starters, the Examiner concedes that each of Iura, Sasaki and Sugihara fail to teach or suggest subjecting a white balance process to the field image signals in a white balance circuit and outputting integrated values of the field images from the white balance circuit in an integrated circuit, and further detecting the signal levels based on the integrated signals. However, in an attempt to show this feature, the Examiner imports Kobayashi. (see Office Action, page 5).

Specifically, the Examiner alleges that Kobayashi discloses the above noted features in col. 24, line 33 to col. 25, line 47 and in Figures 28-30. However, applicant respectfully submits that a close review of the cited portions and other portions of Kobayashi fails to teach or suggest the above noted features for at least the following reasons:

For instance, Applicant respectfully submits that Kobayashi merely discloses that only the blue and red signals are supplied to white balance circuits 1015, 1016, respectively. (see Kobayashi, col. 24, lines 61-66). In other words, in Kobayashi only the blue (B) and red (R) signals are subjected to white balance processing and the color green (G) bypasses the white balance circuits 1015, 1016 and is instead supplied to a matrix circuit 1018. (see Kobayashi, col. 25, lines 5-7; Fig. 29).

Furthermore, in Kobayashi the color G signal is used as a standard to form color difference signals (R-G) and (B-G). In Kobayashi, these color difference signals (R-G) and (B-G) are supplied to an encoder 1017 and fed back to the white balance circuits 1015, 1016 for white balance corrections. (see Kobayashi, col. 24, line 66 to col. 25, line 7). However, Kobayashi fails to feed the separated color G signal itself to the white balance circuit whereby the white balance process adjusts the signal levels of a blue image signal and a red image signal to a signal level of a green image signal so that a ratio of blue to green and a ratio of red to green is maintained constant, as set forth in the claimed invention.

Furthermore, applicant respectfully submits that Kobayashi fails to teach or suggest anything about an integration circuit for outputting integration values of the field images from the white balance circuit. Applicant respectfully submits that the Examiner has failed to show where Kobayashi teaches such a feature.

Applicant respectfully submits that the Examiner has the burden of pointing out portions of each reference the Examiner has relied upon. "When a reference is complex or shows or describes inventions other than that claimed by the applicants, the particular part relied on must be designated as nearly as practicable." See 37 C.F.R. §1.104(c)(2).

Applicant notes that the Office Action lacks specific cites within the Kobayashi reference supporting the alleged disclosures for the §103(a) claim rejection of the "integration circuit". Applicant therefore must assume the portions of this reference that the Examiner relied upon for the basis of this rejection. If the Examiner maintains the §103(a) rejection based on the Kobayashi reference, Applicant respectfully requests that the Examiner provide full and

complete explanation of this rejection in a non-final Office Action so Applicant may have an adequate opportunity to properly respond to the rejection.

Applicant respectfully submits that Kobayashi fails to show the output of the white balance circuits 1015, 1016 being sent to an integration circuit for outputting integrated values of the field images.

For at least the reason noted above, applicant respectfully submits that Kobayashi fails to make up for the deficiencies found in Iura, Sasaki and Sugihara.

Furthermore, the Examiner alleges that Sasaki discloses subjecting a gradation correction in a gamma circuit. (see Office Action, page 6). Applicant respectfully disagrees with this allegation.

For example, in the present invention the method subjects an output of the white balance circuit to a gradation correction in a γ -circuit. Sasaki fails to even disclose a white balance circuit, as such it goes to follow that Sasaki can not possibly disclose subjecting an output of the white balance circuit to a gradation correction in a γ -circuit. Applicant respectfully submits that the Examiner is merely using a piecemeal approach to rejecting the present invention without considering the claim in its entirety. None of the references cited teach or suggest the above noted features, the Examiner is merely pointing to individual components in the references and trying to associate such components to the overall claimed invention.

For example, Applicant respectfully submits that neither Iura, Sasaki, Sugihara nor Kobayashi, taken singularly or in combination, (assuming these teachings may be combined, which applicant does not admit) teach or suggest subjecting a white balance process to the field image signals consisting of separated red, blue and green signals in a white balance circuit, whereby the white balance process adjusts the signal levels of a blue image signal and a red image signal to a signal level of a green image signal so that a ratio of blue to green and a ratio of red to green is maintained constant.

Furthermore, Applicant respectfully submits that the Examiner has failed to provide proper motivation for combining the four cited references. Applicant respectfully submits that only through impermissible hindsight reconstruction using applicant's invention would one find motivation to modify the Iura, Sasaki, and Sugihara devices to have all of the claimed features, including a white balance circuit as shown in Kobayashi.

Applicant submits that the Office Action has improperly used applicants' invention as a road map to pick and choose features/components and paste the chosen features together to arrive at the claimed invention, even though the reference does not provide any teachings, suggestion or motivation to make the modifications.

Furthermore, Applicant respectfully points out to the Examiner that particular findings must be made with respect to why the skilled artisan, with no knowledge of the claimed invention, would have selected components for combination in the manner claimed. *In re Kotzab*, 217 F.3d 1365, 1371, 55 USPQ2d 1313,1317 (Fed. Cir. 2000). Applicant respectfully submits that the Examiner has failed to show why a skilled artisan would have selected the white balance circuit of Kobayashi and/or the stripe color filter of Sugihara for the specific combination in the manner claimed.

To establish a *prima facie* case of Obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 706.02(j).

Applicant respectfully submits that the combination of cited art not only fail to teach or suggest each and every feature as set forth in the claimed invention but there also fail to be proper motivation for combining the four cited references, for at least the reasons noted above.

Applicant respectfully submits that independent claims 1 and 5 are allowable over the cited art for at least the reasons noted above.

As for each of the dependent claims not particularly discussed above, these claims are also allowable for at least the reasons set forth above regarding their corresponding independent claims, and/or for the further features claimed therein.

Accordingly, withdrawal of the rejection of claims 1-6 under 35 U.S.C. §103(a) is respectfully requested.

Conclusion

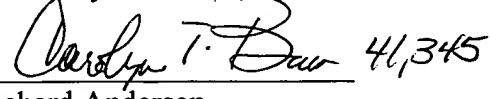
In view of the foregoing, Applicant respectfully submits that the application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact Carolyn T. Baumgardner (Reg. No. 41,345) at (703) 205-8000 **to schedule a Personal Interview.**

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment from or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17; particularly, the extension of time fees.

Dated: July 19, 2006

Respectfully submitted,

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